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Attorneys for Defendant Daniel N. Gordon P.C.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

LAWRENCE JAMES SACCATO,

Plaintiff,

vs.

DANIEL N. GORDON P.C.,

Defendant,

FIA CARD SERVICES,
a.k.a. Bank of America

Co-Defendant.

Case No. 10-6111-HO

**DEFENDANT DANIEL N.
GORDON P.C.'S ANSWER AND
AFFIRMATIVE DEFENSES**

Jury Trial Requested

COMES NOW Defendant Daniel N. Gordon PC (Defendant Gordon), and for its answer to plaintiff's complaint, admits, denies and alleges as follows:

1.

Defendant Gordon admits that it is a debt collector located at 4023 W. 1st Avenue, Eugene, Oregon 97402, admits that it was retained by Co-Defendant FIA Card Services to collect a debt from plaintiff arising out of a credit transaction whereby plaintiff voluntarily

DEFENDANT DANIEL N. GORDON P.C.'S ANSWER AND
AFFIRMATIVE DEFENSES -1

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sought credit from Co-Defendant FIA Card Services and obtained a credit card for his use, admits that plaintiff sent certain correspondence to Defendant Gordon, and admits that in connection with the collection of plaintiff's credit card debt it obtained a copy of plaintiff's credit report.

2.

Defendant Gordon specifically denies that it reported any information about plaintiff to Experian, Equifax and/or Trans Union.

3.

The remaining allegations in plaintiff's complaint are either directed at Co-Defendant FIA Card Services, or are improper legal conclusions, therefore, to the extent Defendant Gordon may be required to respond to these allegations, they are denied.

4.

Except as admitted herein Defendant Gordon denies each and every other allegation, matter and thing contained in plaintiff's complaint and the whole thereof.

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FOR ITS FIRST AFFIRMATIVE DEFENSE Defendant Gordon alleges:

(Insufficient Service of Process)

5.

Plaintiff has failed to serve Defendant Gordon with a summons and complaint in accordance with the requirements of Oregon law.

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DEFENDANT DANIEL N. GORDON P.C.'S ANSWER AND
AFFIRMATIVE DEFENSES -2

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FOR ITS SECOND AFFIRMATIVE DEFENSE Defendant Gordon alleges:

(Failure to State a Claim for Relief)

6.

Plaintiff has failed to state a claim against Defendant Gordon upon which relief can be granted.

WHEREFORE, Defendant Gordon prays that plaintiff's complaint be dismissed and that judgment be entered in favor of Defendant Gordon, together with an award for its costs and disbursements incurred herein to be determined by the Court.

DATED this 19th day of May, 2010.

LUVAAS COBB
Attorneys for Defendant Daniel N. Gordon P.C.

By: 

David A. Jacobs, OSB No. 942202
E-mail: djacobs@luvaascobb.com
Trial Attorney

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **DEFENDANT DANIEL N. GORDON P.C.'S ANSWER AND AFFIRMATIVE DEFENSES** on:

Lawrence James Saccato
6387 Old Highway 99S
Roseburg, Oregon 97471
Pro Se Plaintiff

by the following indicated method or methods:

- X By **mailing** a full, true, and correct copy thereof in a sealed, first-class postage prepaid envelope, addressed to the attorney(s) as shown above, at the last known office address of the attorney(s), and deposited with the United States Postal Service at Eugene, Oregon, on the date set forth below.
- _____ By depositing with **B & J/Barristers Aide** for hand-delivery a full, true, and correct copy thereof in a sealed envelope, addressed to the attorney(s) as shown above, at the last known office address of the attorney(s) on the date set forth below.
- _____ By causing a full, true, and correct copy thereof to be **hand-delivered** to the attorney(s) at the attorney's last known office address listed above on the date set forth below.
- _____ By sending a full, true, and correct copy thereof via **overnight courier** in a sealed, prepaid envelope, addressed to the attorney(s) as shown above, at the last known office address of the attorney(s), on the date set forth below.
- _____ By **faxing** a full, true, and correct copy thereof to the attorney(s) at the fax number(s) shown above, which is the last known fax number for the attorney's office, on the date set forth below. The receiving fax machine was operating at the time of service and the transmission was properly completed, according to the attached transmission report(s).

DATED this 19th day of May, 2010.

LUVAAS COBB
Of Attorneys for Defendant Daniel N. Gordon P.C.

David A. Jacobs, OSB No. 942202